

REMARKS

Applicants thank the Examiner for total consideration given the present application. Claims 1-4, 7-19, 23-25, 27, 28, 30-34, and 47-56 were pending prior to the Office Action. Claims 1, 10, 27, 30, 31, and 40 have been amended and new Claims 57-59 have been added through this reply. Therefore, Claims 1-4, 7-19, 23-25, 27, 28, 30-34, and 47-59 remain pending. Claims 1, 9, 10, 25, and 40 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

ALLOWABLE SUBJECT MATTER

Applicants appreciate that claims 9, 19, 48, 52, 25, 27, 28, 30-34, 50, and 55 are indicated to be allowable.

The Office Action rejected claims 9 and 19 (Office Action page 3), but also indicated claims 9, 19, 48, and 53 are allowed (page. 33). During a telephonic conversation (April 16, 2007), Examiner Hernandez confirmed that claims 9 and 19 are allowed.

35 U.S.C. § 103 REJECTION – NISHIKAWA AND BELUCCI ET AL. IN VIEW OF YAMAMOTO ET AL AND FURTHER IN VIEW OF MATSUGU

Claims 1-4, 8, 16, 47, and 52 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishikawa (USPN 5,296,945) (hereinafter “Nishikawa”) and Belucci et al. (US 5,913,542 B1) (hereinafter “Belucci”) in view of Yamamoto et al. (JP 06-123197 A) (hereinafter “Yamamoto”) and further in view of Matsugu (US 6,987,535 B1) (hereinafter “Matsugu”). Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See*

M.P.E.P. 2142; M.P.E.P. 706.02(j). Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, claim 1 recites:

An identification photo system that obtains image data for an identification photo of a person from image data of the person, said identification photo system comprising:

an identification photo-selecting device that selects a type of identification photo; and

an automatic correcting device that automatically corrects the image data of the person,

wherein said automatic correcting device detects a background area in said image data, abstracts a person area based on the background area, compares a size of the person area in said image data with a predetermined size within a frame on a print area according to the selected type of the identification photo, and changes the size of an image based on the size of the person area so that the size of the person area is the predetermined size,

wherein said automatic correcting device comprises:

an area separating device that separates the image into a person area and a background area;

a background changing device that changes colors of the background area to a predetermined color, and

an abstracting device that abstracts a print area required for the identification photo from the image according to the size of the image.

The Office Action asserts that all features in claim 1 are taught by a combination of Nishikawa and Belucci in view of Yamamoto and further in view of Matsugu. The Applicant disagrees with the Office Action. The Office Action acknowledges that Nishikawa does not teach an “automatic correcting device detects a background area in said image data, abstracts a person area based on the background area, compares a size of the person area in said image data with a predetermined size within a frame on a print area according to the selected type of the identification photo, and changes the size of an image based on the size of the person area so that the size of the person area is the predetermined size” (Office Action page 3, last paragraph).

The Office Action alleges that Belucci teaches a system for producing ID cards wherein the system separates a background area from a subject area in an image based on automatically

normalizing or eliminating the background of the image to be captured (col. 4, lines 14-19). The Office Action asserts that Belucci's system inherently teaches detecting the background area since the background has to be detected prior to normalizing, having the color changed or deleting so as to compress the image for the identification card, as part of a compression algorithm. The Office Action also asserts that Belucci teaches resizing the image so as to fit the area required for the photo of the ID card (col. 5, lines 15-49).

The Applicant would like to point out that the compression algorithm in Belucci is utilized to store image data efficiently. The compression algorithm compresses spatial image data by transforming the spatial image to frequency data. Subsequently, redundant background pixels (usually darker pixels that are underexposed), represented by high frequency components, are encoded to reduce the size of the image information. The image compression does not perform resizing of the foreground subject in the image, nor of the entire image. The image compression merely encodes redundancy of the frequency distribution of the image where the background usually has a high frequency.

Moreover, the Office Action's interpretation of Belucci is inconsistent. The Office Action dated March 13, 2006, (page 20, first full paragraph) recites "Belucci fails to teach separating the image into a plurality of areas; and determining whether or not the each area of the plurality of areas belongs in the background area based on any one or more of a comparison of the each area with a reference background area, a size of the each area, or an average coordinate of the pixels of the each area." The above passage clearly indicates that Belucci fails to teach or suggest "an automatic correcting device, which detects a background area in said image data, abstracts a person area based on the background area, compares a size of the person area in said image data with a predetermined size within a frame on a print area according to the selected type of the identification photo, and changes the size of an image based on the size of the person area so that the size of the person area is the predetermined size."

Furthermore, Nishikawa, Belucci, and Yamamoto fail to teach or suggest "an identification photo-selecting device that selects a type of identification photo," as recited in Claim 1. The selected identification photo defines the actual print size of person area via the

automatic correcting device. Yamamoto fails to adjust the size of a face within a frame corresponding to a selected type of the identification photo.

35 U.S.C. § 103 REJECTION – NISHIKAWA, BELUCCI, AND YAMAMOTO IN VIEW OF FUJIMOTO AND FURTHER IN VIEW OF MATSUGU

Claims 10-15, 22, 49, and 54 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishikawa, Belucci, and Yamamoto in view of Fujimoto (US 6,035,074) (hereinafter “Fujimoto”) and further in view of Matsugu. Applicant respectfully traverses.

In this instance, claim 10 recites:

An image processing system for generating identification image data from an original image data of a person, comprising:

an abstracting device configured to determine a person area of the original image data based on a background area;

an identification photo-selecting device that selects a type of identification photo;

an image size correcting device configured to change a size of the person area to a predetermined person area size within a frame on a print area according to the selected type of the identification photo based on the size of the person area abstracted by the abstracting device; and

an image data generating device configured to generate the identification image data based on the changed sized person area such that the identification image data includes a cut guidance area within a print area,

wherein the cut guidance area is smaller than the print area, and

wherein the abstracting device, the image size correcting device, and the image data generating device are all physically integrated into a single camera.

As presented above, Nishikawa, Belucci, and Yamamoto fail to teach or suggest an abstract device configured to determine a person area of the original image data based on a background area. In addition, Nishikawa, Belucci, and Yamamoto fail to teach or suggest an image size correcting device configured to change a size of the person area to a predetermined person area size within a frame on a print area according to the selected type of the identification photo based on the size of the person area abstracted by the abstracting device. Yamamoto teaches a scale-factor conversion method to change an image scale factor of a face image according to the face size of the picturized face image and record the face image from which the

image scale factor was changed on a record medium. However, Yamamoto does not teach neither the abstracting device nor image size correcting device in claim 10.

In addition, Matsugu merely teaches that a digital signal processing device is integrated into a single camera system. Therefore, neither Fujimoto nor Matsugu teaches or suggest the above limitation to supplement Nishikawa, Belucci, and Yamamoto's missing feature.

35 U.S.C. § 103 REJECTION – NISHIKAWA, BELUCCI, AND YAMAMOTO IN VIEW OF MATSUGU AND FURTHER IN VIEW OF O'BRILL

Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishikawa, Belucci, and Yamamoto in view of Matsugu and further in view of O'Brill (US 5,937,081) (hereinafter "O'Brill"). Applicant respectfully traverses.

As presented above, Nishikawa, Belucci, Yamamoto, and Matsugu fail to teach or suggest an automatic correcting device detects a background area in said image data, abstracts a person area based on the background area, compares a size of the person area in said image data with a predetermined size within a frame on a print area according to the selected type of the identification photo, and changes the size of an image based on the size of the person area so that the size of the person area is the predetermined size. In addition, O'Brill fails to teach or suggest the above limitation to supplement Nishikawa, Belucci, Yamamoto, and Matsugu's missing feature.

As set forth on page 19 of the Office Action, the Examiner relies on O'Brill as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner's reliance on O'Brill, however, fails to make up for the deficiencies of Nishikawa, Belucci, Yamamoto, and Matsugu discussed above with respect to Claim 1. Therefore, the asserted combination of Nishikawa, Belucci, Yamamoto, and Matsugu and O'Brill (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

35 U.S.C. § 103 REJECTION – NISHIKAWA, BELUCCI, AND YAMAMOTO IN VIEW OF MATSUGU AND FURTHER IN VIEW OF BLANK

Claims 17, 18, and 35-37 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishikawa, Belucci, and Yamamoto in view of Matsugu and further in view of Blank (US 5,345,313) (hereinafter “Blank”). Applicant respectfully traverses.

As presented above, Nishikawa, Belucci, Yamamoto, and Matsugu fail to teach or suggest an automatic correcting device detects a background area in said image data, abstracts a person area based on the background area, compares a size of the person area in said image data with a predetermined size within a frame on a print area according to the selected type of the identification photo, and changes the size of an image based on the size of the person area so that the size of the person area is the predetermined size. In addition, Blank fails to teach or suggest the above limitation to supplement Nishikawa, Belucci, Yamamoto, and Matsugu’s missing feature.

As set forth on page 20 of the Office Action, the Examiner relies on Blank as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner’s reliance on Blank, however, fails to make up for the deficiencies of Nishikawa, Belucci, Yamamoto, and Matsugu discussed above with respect to Claim 1. Therefore, the asserted combination of Nishikawa, Belucci, Yamamoto, and Matsugu and Blank (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

35 U.S.C. § 103 REJECTION – NISHIKAWA, BELUCCI, YAMAMOTO AND FUJIMOTO IN VIEW OF MATSUGU AND FURTHER IN VIEW OF BLANK

Claims 23 and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishikawa, Belucci, Yamamoto, and Fujimoto in view of Matsugu and further in view of Blank. Applicant respectfully traverses.

As presented above, Nishikawa, Belucci, Yamamoto, Fujimoto, and Matsugu fail to teach or suggest an abstract device configured to determine a person area of the original image data based on a background area. Also, Nishikawa, Belucci, Yamamoto, Fujimoto, and Matsugu fail to teach or suggest an image size correcting device configured to change a size of the person area to a predetermined person area size within a frame on a print area according to the selected type of the identification photo based on the size of the person area abstracted by the abstracting device. In addition, Blank fails to teach or suggest the above limitation to supplement Nishikawa, Belucci, Yamamoto, Fujimoto, and Matsugu's missing feature.

As set forth on page 23 of the Office Action, the Examiner relies on Blank as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner's reliance on Blank, however, fails to make up for the deficiencies of Nishikawa, Belucci, Yamamoto, Fujimoto, and Matsugu discussed above with respect to Claim 10. Therefore, the asserted combination of Nishikawa, Belucci, Yamamoto, Fujimoto, and Matsugu and Blank (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

35 U.S.C. § 103 REJECTION – BELUCCI AND YAMAMOTO IN VIEW OF BLANK AND FURTHER IN VIEW OF NISHIMURA

Claims 40-42, 51, and 56 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Belucci and Yamamoto in view of Blank and further in view of Nishimura (US 5,412,487) (hereinafter "Nishimura"). Applicant respectfully traverses.

In this instance, claim 40 recites:

An image processing method in which image data for an identification photo of a person is obtained from image data of the person, the image processing method comprising the steps of:

- dividing the image data into an area such that two adjoining pixels are in the same area if a difference in data between the two adjoining pixels is smaller than a predetermined threshold;
- selecting a type of identification photo;
- calculating a characteristic value of the area, wherein the characteristic

value of the area includes an average luminance, an average chromaticity Cb, and an average chromaticity Cr of the area;
detecting a background area based on the characteristic value of the area;
abstracting a person area in the image data based on the background area;
and
sizing an image based on a size of the person area of the image data such that the size of the person area in the image is predetermined person area size within a frame on a print area according to the selected type of the identification photo.

As presented above, Belucci and Yamamoto fail to teach or suggest abstracting a person area in the image data based on the background area. Also, Belucci and Yamamoto fail to teach or suggest sizing an image based on a size of the person area of the image data such that the size of the person area in the image is predetermined person area size within a frame on a print area according to the selected type of the identification photo. In addition, neither Blank nor Nishimura teaches or suggests the above limitation to supplement Belucci and Yamamoto's missing feature.

35 U.S.C. § 103 REJECTION –BELUCCI, YAMAMOTO, AND BLANK IN VIEW OF NISHIMURA AND FURTHER IN VIEW OF DALY

Claims 43 and 44 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Belucci, Yamamoto, and Blank in view of Nishimura and further in view of Daly (US 6,173,069) (hereinafter "Daly"). Applicant respectfully traverses.

As presented above, Belucci, Yamamoto, Blank, and Nishimura fail to teach or suggest abstracting a person area in the image data based on the background area. Also, Belucci and Yamamoto fail to teach or suggest sizing an image based on a size of the person area of the image data such that the size of the person area in the image is predetermined person area size within a frame on a print area according to the selected type of the identification photo. In addition, Daly fails to teach or suggest the above limitation to supplement Belucci, Yamamoto, Blank, and Nishimura's missing feature.

As set forth on page 30 of the Office Action, the Examiner relies on Daly as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner's reliance on Daly, however, fails to make up for the deficiencies of Belucci, Yamamoto, Blank, and Nishimura discussed above with respect to Claim 40. Therefore, the asserted combination of Belucci, Yamamoto, Blank, and Nishimura and Daly (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

35 U.S.C. § 103 REJECTION – NISHIKAWA, BELUCCI, YAMAMOTO AND MATSUGU IN VIEW OF BLANK AND FURTHER IN VIEW OF DALY

Claims 38 and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishikawa, Belucci, Yamamoto, and Matsugu in view of Blank and further in view of Daly. Applicant respectfully traverses.

As presented above, Nishikawa, Belucci, Yamamoto, Matsugu and Blank fail to teach or suggest an automatic correcting device detects a background area in said image data, abstracts a person area based on the background area, compares a size of the person area in said image data with a predetermined size within a frame on a print area according to the selected type of the identification photo, and changes the size of an image based on the size of the person area so that the size of the person area is the predetermined size. In addition, Daly fails to teach or suggest the above limitation to supplement Nishikawa, Belucci, Yamamoto, Matsugu and Blank's missing feature.

As set forth on page 31 of the Office Action, the Examiner relies on Daly as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner's reliance on Daly, however, fails to make up for the deficiencies of Nishikawa, Belucci, Yamamoto, and Matsugu discussed above with respect to Claims 1 and 35. Therefore, the asserted combination of Nishikawa, Belucci, Yamamoto, Matsugu and Blank and Daly (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

NEW CLAIMS

Claims 57-59 have been added through this reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination. Applicant respectfully requests that the claims 57-59 be allowed.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson Reg. No. 40,439 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 20, 2007

Respectfully submitted,

By 

D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant